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REMARKS

Claims 1-20 are pending in this application. Claims 1-20 are rejected. No new matter has been added. It is respectfully submitted that the pending claims define allowable subject matter.

Claims 1-20 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Office Action states that the recitation in claims 1, 9 and 17 of "wherein the first memory stores the data object for a longer term than the second memory" is unclear. Applicant has amended the recitation "longer term" to "longer time period" and submits that claims 1, 9 and 17 are now clear. Further, claim 5 has been amended to recite that the instructing to print includes at least one of text, a report and images and Applicant submits that this claim is now clear. Accordingly, Applicant submits that the Section 112 rejection of claims 1-20 has been overcome and should be withdrawn.

Claims 1, 2, 5-10 and 13-18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Hoang et al. (U.S. Patent 6,023,343). Applicant respectfully traverses this rejection.

Independent claims 1, 9 and 17 have been amended to recite in claims 1 and 17 storing and instructing to store "the data object in a first memory if the peripheral device is not accessible and not available to accept the data object, wherein the first memory stores the data object for a longer time period than the second memory," respectively. Claim 9 has been amended to recite instructing "to store the data object in a first memory if the peripheral device is not in an active state and not available to accept the data object, wherein the first memory stores the data object for a longer time period than the second memory." Applicant submits that the system of Hoang et al. fails to describe or suggest any determination of whether the peripheral device is accessible or active. In particular, the system of Hoang et al. uses a hard disk drive resident in a printer to temporarily store some of the page data of print jobs received by the printer based on the use of a RAM memory area (see, e.g., Hoang et al., abstract and column 2,

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line 60 to column 3, line 22). Essentially, based on the required or needed usage of the RAM, data for print jobs is temporarily stored in a hard disk of the printer to free some of the RAM memory. The system of Hoang et al. makes a determination as to whether sufficient memory locations are available within the RAM.

However, Hoang et al. simply does not describe or suggest determining whether a peripheral device is accessible or active. The system of Hoang et al. makes a determination as to whether system resources of a printer are free, but does not determine at any time whether the printer is accessible or active. In order for the system of Hoang et al. to even make a determination of whether RAM locations are needed or free, the printer would have to be accessible and/or active, otherwise the system could not acquire this information. Accordingly, Applicant submits that claims 1, 9 and 17 are allowable over Hoang et al.

Claims 2 and 5-8 depend from independent claim 1. When the recitations of claims 2 and 5-8 are considered in combination with the recitations of claim 1, Applicant submits that dependent claims 2 and 5-8 are likewise patentable over Hoang et al. for at least the same reasons set forth above.

Claims 10 and 13-16 depend from independent claim 9. When the recitations of claims 10 and 13-16 are considered in combination with the recitations of claim 9, Applicant submits that dependent claims 10 and 13-16 are likewise patentable over Hoang et al. for at least the same reasons set forth above.

Claim 18 depends from independent claim 17. When the recitations of claim 18 are considered in combination with the recitations of claim 17, Applicant submits that dependent claim 18 is likewise patentable over Hoang et al. for at least the same reasons set forth above.

Thus, for at least the reasons set forth above, Applicant respectfully requests that the 35 U.S.C. § 102(b) rejection of claims 1, 2, 5-10 and 13-18 be withdrawn.

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Claims 3, 11 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoang et al. (U.S. Patent 6,023,343) in view of Lester et al. (U.S. Patent Application Publication 2003/0053109). Applicant respectfully traverses this rejection.

Even from a cursory reading of the Lester et al. reference, this reference fails to make up for the deficiencies of the Hoang et al. reference. Further, claim 3 depends from claim 1, claim 11 depends from claim 9 and claim 19 depends from claim 17. Accordingly, when the recitations of claims 3, 11 and 19 are considered in combination with the recitations of claims 1, 9 and 17, respectively, Applicant submits that dependent claims 3, 11 and 19 are likewise patentable over Hoang et al. in combination with Lester et al. for at least the same reasons set forth above.

Claims 4, 12 and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoang et al. (U.S. Patent 6,023,343) in view of Raney (U.S. Patent Application Publication 2002/0063880). Applicant respectfully traverses this rejection.

Even from a cursory reading of the Raney reference, this reference fails to make up for the deficiencies of the Hoang et al. reference. Further, claim 4 depends from claim 1, claim 12 depends from claim 9 and claim 20 depends from claim 17. Accordingly, when the recitations of claims 4, 12 and 20 are considered in combination with the recitations of claims 1, 9 and 17, respectively, Applicant submits that dependent claims 4, 12 and 20 are likewise patentable over Hoang et al. in combination with Raney for at least the same reasons set forth above.

Thus, for at least the reasons set forth above, Applicant respectfully requests that the 35 U.S.C. § 103(a) rejection of claims 3, 4, 11, 12, 19 and 20 be withdrawn.

In view of the foregoing amendments and remarks, it is respectfully submitted that the prior art fails to teach or suggest the claimed invention and all of the pending claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited. Should anything remain in order to place the present application in

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condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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